

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name* as it appears on the order.
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."

The status of an appeal may be found on court access websites at:

<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
AZIM A. PRESSWALA, D.D.S.,	:	
RESPONDENT.	:	ORDER 0008418

Division of Legal Services and Compliance Case Nos. 20 DEN 091, 20 DEN 097, 20 DEN 105,
21 DEN 003, 21 DEN 030, 21 DEN 083, 22 DEN 011, 22 DEN 012, and 22 DEN 116

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Azim A. Presswala, D.D.S.
West Allis, WI 53227

Wisconsin Dentistry Examining Board
P.O Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Dentistry Examining Board. (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Azim A. Presswala, D.D.S., (Year of Birth 1976) is licensed in the state of Wisconsin to practice dentistry, having license number 5573-15, first issued on November 22, 2002, and current through September 30, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in West Allis, Wisconsin 53227.

2. At all times relevant to these matters, Respondent owned and practiced dentistry at a clinic located in West Allis, Wisconsin (Clinic).

20 DEN 091

3. On September 14, 2020, Respondent cemented a ceramic crown on tooth #5 of Patient A, a female born in 1977. Patient A alleges that she told Respondent at the conclusion of the appointment that the crown was uncomfortable, bulky, and she was having difficulty closing her mouth from the crown.

4. Following treatment with Respondent, Patient A filed a complaint with the Department which alleged, *inter alia*:

- a. Respondent was “rude in his interactions;”
- b. Respondent “said inappropriate and unprofessional things;”
- c. When asked a question, Respondent “seemed irritated” and “yelled the response, never turning around.”

5. Respondent failed to appropriately place Patient A’s crown as the crown margins on tooth #5 were short and open.

6. Respondent failed to perform periodontal charting for Patient A.

20 DEN 097

7. On October 2, 2020, Respondent saw Patient B, a female born in 1997, for wisdom teeth extraction.

8. Following treatment with Respondent, Patient B filed a complaint with the Department which alleged, *inter alia*:

- a. Respondent failed to inform her about the procedure;
- b. Respondent screamed “you need to be quiet” during the procedure;
- c. Respondent referred to her as a “miserable patient;”
- d. Respondent told Patient B “you are twenty-two, not a baby, your mom isn’t coming back” when she asked for her mother to come back to the procedure room;
- e. Respondent threatened to stop the procedure and refer her somewhere else when Patient B began to cry; and
- f. Respondent hit Patient B on the side of her neck with an open hand during the procedure.

9. Patient B alleges that on October 3, 2020, Patient B was seen in the emergency department in West Allis, Wisconsin, where she was diagnosed with a neck contusion. She further alleges that on October 12, 2020, she filed a report with the West Allis police department regarding the incident.

10. Respondent failed to perform periodontal charting for Patient B.

20 DEN 105

11. Respondent provided dental treatment to Patient C, a male born in 1957, dating back to 2014.

12. On October 27, 2020, Respondent saw Patient C for routine prophylaxis care. Patient C sought clearance from Respondent to undergo radiation treatment. Following treatment with Respondent, Patient C filed a complaint with the Department which alleged, *inter alia*:

- a. Respondent raised his voice and informed Patient C that due to his gum disease, he would need to see a specialist and have all his teeth removed;
- b. When Patient C asked Respondent about teeth removal, Respondent shouted at Patient C: "I am not stupid you know, you don't need to speak to me like that," and "I've told you the same thing three times;" and
- c. Respondent abruptly left the appointment and cancelled the cleaning that was to take place during the appointment.

13. Respondent's treatment records for Patient C between 2014 and 2020 fail to comport with minimal competency standards.

21 DEN 003

14. On January 7, 2021, Respondent saw Patient D, a female born in 2000, for the extraction of her impacted wisdom tooth. Following treatment with Respondent, Patient D filed a complaint with the Department which alleged, *inter alia*:

- a. Respondent was rough and rude to her during the appointment;
- b. Respondent did not provide after care instructions or answer her questions regarding the procedure; and
- c. Respondent left a piece of the tooth behind which caused an infection and pain.

15. On January 12, 2021, Respondent scheduled Patient D for a follow-up appointment after she alleged to have called the Clinic several times regarding pain and "white stuff" coming from her cheek. Respondent noted minimal inflammation, no bleeding, and that the socket was almost closed.

21 DEN 030

16. On February 24, 2021, Respondent saw Patient E, a female born in 1978, for an emergency appointment related to inflamed gums and lower right quadrant discomfort. Following treatment with Respondent, Patient E filed a complaint with the Department which alleged, *inter alia*:

- a. Respondent was rough and rude with her during the appointment;
- b. After a brief examination, Respondent stated there was no issue and concluded the appointment;
- c. When Patient E asked if she did something wrong, Respondent replied that if she did not want his service to get out; and
- d. Patient E overheard Respondent tell his assistant very loudly that he did not want "her kind in his office."

17. On February 24, 2021, Respondent charted that lower right quadrant was negative to palpitation or percussion and no intraoral swelling was noted.

18. Respondent failed to acknowledge, diagnose and adequately address the large radiolucency seen on tooth #3 on Patient E's panoramic x-rays.

19. Respondent failed to take bitewing x-rays at Patient E's appointment.

20. On April 30, 2021, Patient E consulted with another dentist who upon examination noted tooth #3 was chipped and recommended restoration.

21 DEN 083

21. On July 9, 2021, Respondent saw Patient F, a female born in 1981, for an emergency appointment to restore a lost filling on tooth #21.

22. Patient F filed a complaint with the Department alleging that Respondent was rude and disrespectful regarding her dental issues, and she left the appointment without receiving treatment on tooth #21.

22 DEN 011

23. On January 17, 2022, Respondent saw Patient G, a female born in 1978, for an emergency appointment due to pain in teeth #4 and #13.

24. Following treatment with Respondent, Patient G filed a complaint with the Department which alleged, *inter alia*:

- a. Respondent informed Patient G he would need to extract both teeth. Patient G asked Respondent if it was possible to restore tooth #4 which only had a cavity, but Respondent replied he was going to extract both teeth.
- b. Respondent extracted tooth #13. Respondent then proceeded to the right side and tooth #4 and began extracting it. Patient G stated she felt a “crack” and felt pain upon the extraction to which Respondent told her to “sit still” and “suck it up.”
- c. Patient G began to cry due to the pain she felt during the extraction of tooth #4, to which to which she alleges Respondent stated: “Get the hell out my chair, I’m not working with you.”

25. Respondent noted in Patient G’s treatment records: *“Unable to obtain anes on 13, pt feels and starts scream, pt told not to scream.”*

22 DEN 012

26. On November 15, 2021, Respondent saw Patient H, a female born in 1994, for extraction of tooth #3 due to deep decay. Following treatment with Respondent, Patient H filed a complaint with the Department which alleged, *inter alia*:

- a. Respondent spoke to her in a rude manner throughout the appointment;
- b. After the x-ray, Respondent told the dental assistant to write “hopeless” in her chart;
- c. While awaiting numbing, Respondent argued with another patient who was upset with the manner in which Respondent spoke to the patient’s child;
- d. Patient H overheard Respondent screaming at the patient’s parent and call the parent “ghetto;”
- e. Respondent began Patient H’s extraction prior to confirming that her mouth was numb;
- f. When Patient H began to cry out in pain he told her to be quiet and when she apologized for crying, he told her “don’t be sorry, be cooperative;” and
- g. Patient H now suffers from anxiety when requiring dental care.

22 DEN 116

27. On August 11, 2022, Respondent saw Patient I, a female born in 1990, for pain she was experiencing in tooth #1.

28. Following treatment with Respondent, Patient I filed a complaint with the Department which alleged that Respondent was rough and rude during the appointment, she

requested Respondent stop because her mouth did not feel numb when he was extracting her tooth, she received a cut on her face from the extractor tool piercing her lip, and he failed to provide her after care instructions.

29. On November 2 through November 4, 2022, Respondent successfully completed the Intensive Course in Managing Inappropriate Communications in Medical Practice offered by Case Western Reserve University at the request of the Department.

30. Respondent denies all allegations of wrongdoing and further denies that he provided inappropriate care or engaged in inappropriate conduct with patients. However, he understands the severity of the pending matters and in an effort to resolve these matters and as a business decision, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 447.07 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in any practice which constitutes a substantial danger to the health, welfare or safety of a patient or the public within the meaning of Wis. Admin. Code § DE 5.02(1).

3. By the conduct described in the Findings of Fact, Respondent practiced in a manner which substantially departed from the standard of care ordinarily exercised by a dentist or dental hygienist which harms or could have harmed a patient within the meaning of Wis. Admin. Code § DE 5.02(5).

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 447.07(3)(a) and (f) and Wis. Admin. Code § DE 5.02.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. The license issued to Respondent to practice dentistry in the State of Wisconsin (license number 5573-15) is LIMITED as follows:

- a. Respondent shall successfully complete ten (10) hours of education on the topics of patient communications, professionalism, and ethics, offered by a provider pre-approved by the Board monitoring liaison, including taking and passing any exam offered for the courses. The following classes are pre-approved by the Board. However, they may not be the complete listing and additional courses may be approved by the Board monitoring liaison:

- i. Your Practice Through Your Patients' Eyes offered by the American Dental Association.
 - ii. You Want Me to Say WHAT to a Patient? How to Resolve Delicate Patient Situations with Tact and Diplomacy (Guidelines for Practice Success Recorded Webinar 7) offered by the American Dental Association.
 - iii. Dental Ethics offered by the American Dental Association.
 - iv. Dental Ethics – Practical Perspectives of Professionalism offered by Colgate University.
 - v. Communication Strategies for Improved Patient Engagement and Adherence offered by Colgate University.
 - vi. Improving Clinical Outcomes with Enhanced Communication offered by Colgate University.
- b. All education completed pursuant to this Order shall be taken in person. The Board's monitoring liaison may approve course(s) to be taken via webinar, online, or otherwise remotely, in response to a request from Respondent.
 - c. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - d. The Board monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - e. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. The license issued to Respondent to practice dentistry in the State of Wisconsin (license number 5573-15) is further LIMITED as follows:
- a. Within 180 days of the date of this Order, Respondent shall, at his own expense, complete twelve (12) individual sessions/hours of anger management therapy with a licensed professional counselor pre-approved by the Board, or its designee, who has experience in cognitive behavioral therapy.

- b. The following individuals are preapproved: Keith P. Stigler, LPC, and John Sullivan, LPC, in Waukesha, Wisconsin.
 - c. Prior to the therapy sessions, Respondent shall provide a copy of this Order to the therapist. Respondent shall provide the Department Monitor with written acknowledgment from the therapist that a copy of this Order has been received by the therapist. Such acknowledgment shall be provided to the Department Monitor prior to the sessions.
 - d. Respondent shall provide and keep on file with the therapist a release that is HIPAA compliant with state and federal laws. The release shall allow the Board, its designee, and any employee of the Department to obtain a copy of Respondent's treatment records with the selected therapist. Copies of this release shall immediately be filed with the Department Monitor. This release shall not allow the Department to obtain any records beyond the specific therapy treatment as described in this order.
 - e. Respondent shall identify and provide the therapist with authorizations to communicate with all physicians, mental health professionals, and facilities with which the selected therapist feels necessary for continuity of care. If records are obtained from utilization of these authorizations, they shall not be released to the Department or any other third party.
 - f. All sessions completed pursuant to this Order shall be taken in person.
 - g. Therapist shall submit written reports to the Department Monitor every sixty (60) days after the commencement of therapy, confirming Respondent's participation and progress in anger management therapy.
 - h. Within thirty (30) days of the completion of the sessions, the therapist shall provide written verification of Respondent's successful completion of the anger management therapy to the Department Monitor at the address below.
5. Additional courses and hours of education and anger management therapy shall not be undertaken until this order is signed by all parties and the Dental Examining Board.
6. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$4,169.00.
7. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

8. In the event Respondent violates any term of this Order, Respondent's license (no. 5573-15), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

9. This Order is effective on the date of its signing.

WISCONSIN DENTISTRY EXAMINING BOARD

By: MARBA
A Member of the Board

3/1/2023
Date

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

AZIM A. PRESSWALA, D.D.S.,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

CONF 0008418

Division of Legal Services and Compliance Case Nos. 20 DEN 091, 20 DEN 097, 20 DEN 105,
21 DEN 003, 21 DEN 030, 21 DEN 083, 22 DEN 011, 22 DEN 012, and 22 DEN 116

Respondent Azim A. Presswala, D.D.S., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Ellison Hitt.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Dentistry Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not

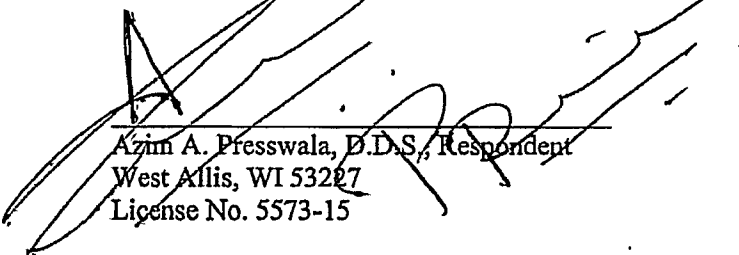
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

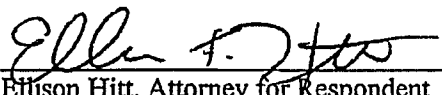
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

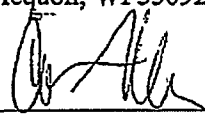
9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Azim A. Presswala, D.D.S., Respondent
West Allis, WI 53227
License No. 5573-15

1/26/23
Date


Ellison Hitt, Attorney for Respondent
SIESENNOP & SULLIVAN, LLP
1017 W. Glen Oaks Ln., Ste. 201
Mequon, WI 53092

1/26/23
Date


Colleen Meloy, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

1/26/23
Date